

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 dt.12.6.2018 of TW (LTR) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad, vide Procs.Rc.No. C3/2282/2019-6, dt.17.11.2020 - Appeal filed by Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal, Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 55

Dated: 01-07-2021
Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procs.Rc.No.C3/2282/2019-6, dt.17.11.2020 of the District Collector, Adilabad.
3. Appeal petition filed by Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal, Adilabad District, dated. 23.11.2020.
4. Govt.Memo.No.992/TW.LTR/2020, dated:18.12.2020.
5. Notice No.992/TW.LTR/2020, dt. 18.12.2020.
6. Lr.Rc.No.D5/309/2018,dated:22.12.2020 of the PO, ITDA, Utnoor, Adilabad District.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad vide her orders in the reference 2nd cited, has issued orders cancelling the Agency Area Local ST certificate No.E/5060/2011, dt.28.11.2011 issued by the Tahsildar, Utnoor to Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal, Adilabad District and also declared that the individual is not a local ST as per definition of GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018.

3. Facts of the case are that the appellant Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal has been provisionally selected for the post of Junior Panchayath Secretary under Agency Area Local ST category. As per GO Ms.No.24, TW (LTR) Department, dt.12.6.2018, the Scrutiny Committee headed by the PO. ITDA, Utnoor had taken up enquiry into the genuineness of the Local ST certificate of the appellant. In compliance with the instructions, Sri Chawan Mahesh had attended before the Committee and produced the following documents in support of his claim.

1. Family Tree
2. Copy of Wasool Baqui Jangaon village of Jainoor Mandal Sy.No.62 in the name of Phulya S/o Ramu.
3. Copy of 1971 Voter list of Hasnapur village of Utnoor Taluq of Boath Constituency.
4. Copy of 1977 Voter List of Hasnapur village of Utnoor Taluiq of Boath Constituency.

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5. Copy of 1993 Voter List of Hasnapur village of Utnoor Mandal of Khanapur Constituency.
 6. Mee Seva Pahani for the year 2019 of Hasnapur village of Utnoor Mandal Sy.No.1/37 in the name of Chawan Parshuram.
4. After enquiry, the Scrutiny Committee had concluded with the following findings:
- i) The Then Tahsildar, Jainoor has issued certificate that the applicant's Grandfather Phoolsingh S/o Ramu resided in Jamgaon village of Jainoor Mandal since 1950 – 1953 and as per Wasool Baqui cultivated the land in Sy.No.1 (Old), but the Tahsildar not issued Migration Certificate and the individual did not submit Migration Certificate.
 - ii) No land records produced by the applicant that his father or grandfather recorded as Pattedar (or) cultivator in Hasnapur village.
 - iii) Chain of heredity as per land records is not established.
 - iv) 1950 to 1970 land records missing. Only 1962 school record produced of his paternal uncle.
 - v) Applicant has not proved his continuous residence in Agency area since 1950 or before.
5. The Scrutiny Committee with the above findings opined that Sri Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal of Adilabad District has failed to produce sufficient evidences to prove his continuous residence in Agency area since 26.01.1950 to till date as per G.O.Ms.No.24, TW (LTR) Dept. dt.12.6.2018, recommended for cancellation of Agency Area Local ST certificate bearing No.E/5060/2011, dated 28.11.2011.
6. A show cause notice was issued to the individual to attend before the District Collector, Adilabad on 22.09.2020 along with his written reply and connected documents to prove his claim as Local Scheduled Tribe.
7. Accordingly, Sri Chavan Mahesh attended on 22.9.2020 and submitted Migration Certificate issued by the Tahsildar, Jainoor No.C/38/2020, dt.25.01.2020 which was not submitted before PO ITDA Committee. On perusal of Migration Certificate, it was mentioned that the candidate's grandfather Sri Phulya S/o Ramu recorded as Khatadar in Wasool Baqi register for the 1356 fasli in respect of land bearing Sy.No.62 of Ushegaon village of Jainoor Mandal and his family members migrated to Hasnapur village of Utnoor Mandal from Ushegaon village of Jainoor Mandal in the year 1954. But the candidate has not produced any document to prove his forefathers are continuously residing in Hasnapur or any other agency village from 1954. He has submitted 1971, 1977 and 1993 voter lists of Hasnapur village and a copy of Bonafide for the year 1962-63 issued from ZPHS Hasnapur in respect of Sri Badya S/o Pulya (paternal uncle).
8. The Tahsildar, Utnoor who was directed to verify any other documents
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to prove candidate's forefathers continuously residing in Hasnapur village from 1954, reported that name of Sri Badya S/o Pulya (who is paternal uncle of applicant) was enrolled in the attendance register at Sl.No.25, but no other documents available to prove candidate's forefathers continuously residing in Hasnapur village from 1954. The candidate has submitted a copy of pahani for the year 2019 of Sy.No.1/37 extent 3.20 acres situated at Hasnapur village of Utnoor Mandal in the name of Sri Chawan Parshuram S/o Phulsingh (paternal uncle), but the chain of heredity as per land records was not established, so the observations of the scrutiny found valid.

9. Aggrieved by the cancellation orders of the District Collector, the Appellant Sri Chavan Mahesh S/o Shankar R/o Shyamnaikthanda village of Utnoor Mandal, Adilabad District has filed an Appeal before the Government under GO Ms.No.24, TW (LTR) Department, dt.12.6.2018 stating that:

- His grandfather Phoolsingh S/o Ramu lived in Jamga of Jainoor Mandal from 1950 to 1953.
- In 1954 he migrated to Shyamnaikthanda of Hasnapur.
- He produced 1950 land record of Jamga village issued by MRO Jainoor, Migration Certificate, 1962-1963 Bionafide, electoral rolls of 1971, 1977, 1993 of Hasnapur village and house rent receipts.
- His paternal uncle acquired lands in Hasnapur village in 1984-85 but his family do not possess any immovable properties.
- But, his family with ancestors has been continuously living in the agency villages of Adilabad District.

10. The Appellant Chavan Mahesh has submitted the following documents before the Government along with the Appeal and also during hearing on 23.12.2020:

- Hall Ticket bearing No.1116145 for General Recruitment – Notification No.2560/CPR&RE/B2/2017, dt.31.8.2018 for the post of Junior Panchayat Secretary.
- Family Tree duly witnessed by the villagers and certified by the Sarpanch, GP Shamanaikthanda:
 - Chavan Phulsingh S/o Ramu is grandfather of appellant. He has six sons namely 1) Badya 2) Mersingh 3) Shesherao 4) Prashuram 5) Shankar (father of appellant) and 6) Shivaji.
 - Chavan Shankar i.e. father of appellant has three sons namely 1) Mahesh (son and appellant herein) 2) Kiran and 3) Arun.
- Copy of Wasool Baqi for the fasli year 1356 (1946 year) under Khata No.2 – name of Phulya S/o Ramu (grandfather of appellant) was recorded for an extent of acs.15.20 gts. pertaining to Jamgaon village of Jainoor Mandal.
- Bonafide Certificate issued by Headmaster, ZPSS Hasnapur certifying that Sri Badya S/o Phoolya (paternal uncle of appellant) studied in first grade Marathi medium in the academic year 1962-63. His name appeared as Badhya S/o Phoolya in July 1962 and March 1963 as per the attendance register of first grade 1962-63.

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- Voter list for the year 1971 – 237 Boath Assembly Constituency – Hasnapur village – Block No.2 – Sl.Nos.735 and 736 show names of Puliyaasingh S/o Ramsingh and his wife Lachibai under H.No.2-1/A.
- Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.112 – Hasnapur village – Block No.5 – Paltya Phoolsingh S/o Ramu and his wife Lachibai at Sl.Nos.962 and 963, Baddu and Mersingh at Sl.Nos.964 and 965 under H.No.5-1A.
- Voter list 1993 – Khanapur Assembly Constituency – show names of Chawan Baddu S/o Phoolsingh (paternal uncle) at Sl.No.773 and Chawan Shankar S/o Phoolsingh (father of appellant) at Sl.No.775 under H.No.1-171.
- Final Patta Certificate No.A3/4174/1983, issued by Tahsildar, Uttoor to Sri Mersingh S/o Poolsingh (paternal uncle of appellant) R/o Hasnapur for an extent of acs.3.20 in Sy.No.1 PP dry.
- Duplicate-Original Lost PPB Patta No.44 – issued by Mandal Revenue Officer, Uttoor to Smt.Chawan Bhuribai W/o Baddu.
- New PPB No.T13180070090 – Khata No.130 – village: Yenka, Mandal: Uttoor – issued to Smt.Chawan Buribai W/o Baddu.
- New PPB No.T13180070074 – Khata No.112 – village: Yenka, Mandal: Uttoor to Smt.Chawan Ansuyabai W/o Mersingh showing an extent of acs.5.00 in Sy.No.42/3.
- 1B – Heerapur-D village – Uttoor Mandal – issued on 29.8.1993 by Mandal Revenue Officer, Uttoor to Sri Mersingh S/o Pulsingh – showing extent of acs.3.20 in Sy.No1/37.
- Pahani for 2017 year – Heerapur village – Uttoor Mandal – showing an extent of acs.3.20 in Sy.No.1/37 in favour of Chawan Parsuram S/o Phoolsingh.
- Migration Certificate issued by the Tahsildar, Jainoor bearing No.C/38/2020, dt.25.01.2020 – wherein it was certified that “On the basis of certification made by the Village Revenue Officer, Jamgaon and Mandal Revenue Inspector-II Jainoor, this is to certify that Sri Chawan Mahesh S/o Shankar R/o Jamgaon village of Jainoor Mandal belongs to ST Lambadis community and according to record his grandfather name i.e. Sri Phulya S/o Ramu was recorded as Khatadar in Wasool Baqi register for the 1356 fasli in respect of land bearing Sy.No.62 of Ushegaon village of Jainoor Mandal, further according to local enquiry, the family members have migrated to Hasnapur village of Uttoor Mandal from Ushegaon village of Jainoor Mandal in the year 1954. Hence certified”.
- Certificate bearing No.D/2080/2011, dt.23.11.2011 issued by the Tahsildar, Jainoor, wherein it was certified that “On the basis of the certification made by the Village Revenue Officer, Jamgaon and Mandal Revenue Inspector-I, Jainoor, this is to certify that Sri Pulsingh S/o Ramu has resided in Jamgaon village of Jainoor Mandal

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from 1950 to 1953-54 and as per Wasool Bakhi of Jamgaon (Ushegaon) village for the Fasli year 1356, Sri Pulsingh S/o Ramul is Shivai Jamedar cultivator for an extent of acs.15.20 acres against Sy.No.1 Parampoke of Jamgaon (Ushegaon) village.”

- Certificate of Proof of Local ST Community bearing No.E/5060/2011, dt.28.11.2011 issued by Tahsildar, Utnoor – wherein it was certified that Sri Chavan Mahesh S/o Chavan Shankar, aged about 20 years – DoB is 10.02.1991 belongs to Lambada (ST) community is presiding residing at Hasnapur village of Utnoor Mandal, which falls within the scheduled area w.e.f. 26.1.1950. His parents previously from 1950 to 1953-54, resided at Jamgaon village of Jainoor Mandal and from 1955 to till date residing at Hasnapur village of Utnoor Mandal, which falls within the scheduled area w.e.f. 26.1.1950.
- Local ST Candidate Certificate No.E/705/2016, dt.25.06.2016 issued by Tahsildar, Utnoor Mandal – to Sri Chavan Mahesh S/o Chavan Shankar R/o Shamnaikthanda H/o Hasnapur village of Utnoor Mandal certified that Chavan Shankar parent of Sri Chavan Mahesh themselves or his parents have been continuously resided from 1950 to 1953-54 of Jamgaon village of Jainoor Mandal vide Tahsildare Rc.No.D/2080/2011, dt.23.11.2011 as per fasli year 1356 of Jamgaon village of Jainoor Mandal and from 1953-54 to till date at Shamnaikthanda H/o Hasnapur village of Utnoor Mandal, which is a notified scheduled village of Utnoor Mandal since 26.01.1950.
- Resolution dt.07.11.2019 of GP Shamanaikthanda, Utnoor Mandal – wherein it was declared that Sri Chawan Phoolsingh S/o Ramu was migrated from Jamgaon village to Shyamnaikthanda in 1954 and settled. He worked as servant in the village elder namely Shyamnaik and he has six sons namely late Badya, late Mersingh, Sheshrao, Parshuram, Shankar and late Sivaji. All these family members have been residing in Shyamnaikthanda village.

11. Vide reference 4th read above, the Collector & District Magistrate, Adilabad has been requested to submit connected records pertain into the case along with Parawise Remarks.

12. Accordingly, vide reference 6th read above the PO, ITDA, Utnoor, Adilabad has submitted the connected documents of the case along with Para wise Remarks.

13. Vide reference 5th read above, a Notice has been issued to the appellant to attend for hearing on 23.12.2020 before the Government to prove his claim along with documentary evidences. Accordingly the Appellant Chavan Mahesh S/o Shankar has attended for hearing on 23.12.2021 and submitted the documents along with Appeal Petition.

14. The documents available on record and documents submitted by the Appellant along with the Appeal Petition and during hearing it is found that the village Jamgaon and Ushegaon is one and the same in Jainoor Mandal of Adilabad District. Ancestors i.e. grandfather of the appellant Sri Phoolsingh S/o Ramu lived in Jamgaon village from 1950 to 1954 as established from Wasool Baqui for the year 1356 Fasli (1946) year and later on migrated to Hasnapur village i.e. Shamnaikthanda H/o Hasnapur of Utnoor Mandal as is evident from the above documentary evidences i.e. various certificates i.e.

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Migration Certificate, Local ST Certificates, Residence Certificates issued by the Tahsildars, Jainoor, Utnoor etc. land records held in the name of other family members, Property Tax Receipts issued by Gram Panchayat, GP Heerapur, school record in the name of paternal uncle, family tree as certified by the Sarpanch and witnessed by other village elders of GP Shyamnaikthanda etc. it is found that the appellant and his ancestors have been continuously living in the agency villages of Jamgaon @ Ushegaon of Jainoor Mandal and now in Shamnaikthanda H/o Hasnapur village of Utnoor Mandal in Adilabad District.

15. In the instant case, as seen from the record, there is no complaint made against the Appellant Chavan Mahesh S/o Shankar R/o Shamanaikthanda, Utnoor Mandal, Adilabad District and the District Collector, Adilabad, ought to have informed the same to the appointing authority about his genuineness as per the above directions of the Hon'ble High Court as non-compliance of directions of the Hon'ble High Court would lead to contempt proceedings. On this count also, the cancellation orders of the Dist. Collector, Adilabad deserve to be set-aside.

16. Government after careful examination of the documents available on record and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 23.12.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant and his ancestors have been continuously living in the agency villages i.e. 1950 to 1954 in Jamgaon @ Ushegaon village of Jainoor Mandal and from 1954 to till date in Shamanaikthanda H/o Hasnapur village of Utnoor Mandal in Adilabad District.

17. Accordingly, Government hereby setting aside the orders of the Collector & District Magistrate, Adilabad in Proc.No.C3/530/2019-6, dt. 24-09-2020 and allowed the Appeal filed by the appellant Chavan Mahesh S/o Shankar R/o Shamanaikthanda, Utnoor Mandal, Adilabad District and the Agency Area Local ST certificate issued by the Tahsildar, Utnoor bearing No.E/5060/2011, dt.28.11.2011 and No.E/705/2016, dt.25.06.2016, are treated as valid and the appellant Chavan Mahesh S/o Shankar is declared as Agency Area Local ST of Adilabad District.

18. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Chavan Mahesh S/o Shankar R/o Shamanaikthanda Village of Utnoor Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)

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2. The Project Officer, ITDA Uttoor, Adilabad District (for information & necessary action)
3. The District Panchayat Officer, Adilabad District (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER